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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,725	06/21/2001	Jun Ueki	0760-0290P	3445

2292 7590 11/10/2004
BIRCH STEWART KOLASCH & BIRCH
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FALLS CHURCH, VA 22040-0747

EXAMINER

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/856,725	UEKI ET AL.	
	Examiner	Art Unit	
	Russell Kallis	1638	

All participants (applicant, applicant's representative, PTO personnel):

(1) Russell Kallis (3) _____

(2) Kristi Rupert (4) _____

Date of Interview: 25 October 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: all.

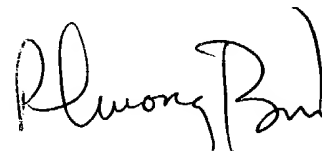
Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



PHUONG T. BUI
PRIMARY EXAMINER

11/5/04

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejection of Claim 2 under 112 1st paragraph written description and enablement drawn to an isolated nucleic acid sequence having 95% sequence identity to (the promoter or enhancer of) SEQ ID NO: 1 was discussed in light of the written description guidelines for allowing claims having breadth when drawn to promoters; and changing "increases" to "promotes" throughout the claims and replacing "structural gene" with "a polynucleotide encoding a protein of interest". .